IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

APPEAL NO. 229 OF 2006
with
Notice of Motion No. 2006
in
Contempt Petition no. 87 of 2005
in
Execution Appln(L) No.462 of 2005
in
Suit No.2898 of 2001

M/s Khandelwal Infotech Ltd & Ors. ...Appellants

versus

M/s Ansal Housing & Construction Ltd. ...Respondents

Mr Shekhar Shetye with Mr M. Merchant, instructed by
Mr H.G.Ganatra for the appellants
Mr. Dalal, instructed by M/s Dalal and Co. for respondents

CORAM: KSHITIJ R. VYAS, C.J., &
ABHAY S. OKA,J.

DATE: JUNE 26, 2006.

P.C.

This appeal is directed against an order dated 3rd February, 2006, whereby the learned single Judge has admitted the contempt petition and issued show cause notice to the respondents to show cause as to why action should not be taken for having committed contempt of undertaking given to

the Court. The learned Judge has made the notice returnable within four weeks. In view of the decision of the Suprme Court in the case of *Midnapur People' sCoop. Bank Ltd and Ors vs. Chunilal Nanda and Ors,* reported in 2006 AIR SCW 2766, no appeal under section 19 of the Contempt of Courts Act, 1971, is maintainable against an order initiating proceedings for contempt. On this ground alone this appeal is dismissed. In view of the dismissal of the main appeal, motion stands disposed off accordingly.

CHIEF

JUSTICE

ABHAY S. OKA, J.